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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-211050

**DATE:** March 30, 1983

**MATTER OF:** A.C.E. General Contractors, Inc.

**DIGEST:**

Protest filed with GAO more than 10 days after protester learns of adverse agency action is dismissed as untimely and not for consideration under the significant issue exception to our timeliness rules because the issue raised, whether correction of bid prices on the basis of bidders' worksheets should be permitted, has been considered previously.

By letter of March 1, 1983, received by our Office on March 9, A.C.E. General Contractors, Inc. protests the award of a contract for dock repairs at Eielson Air Force Base, Alaska, to the low bidder, Barron Construction. Barron was permitted to increase its bid price prior to award after alleging a mistake in its bid, and remained low after the permitted correction. A.C.E. first protested the correction of Barron's bid in a December 1, 1982 letter to the contracting agency, which protest the contracting officer denied by letter dated December 17.

As A.C.E. appears to recognize, where a protester initially files a protest with the contracting agency, in order to be considered timely under our Bid Protest Procedures, any subsequent protest to our Office must be filed within 10 working days from notification of or actual or constructive knowledge of the adverse agency action. 4 C.F.R. § 21.2(a) (1982). Because the agency letter of December 17, 1982 denying A.C.E.'s protest was presumably received within a few days after dispatch, A.C.E.'s protest to our Office, received on March 9, 1983, is clearly untimely.

A.C.E. argues that its protest should nevertheless be considered as a significant issue under 4 C.F.R. § 21.1(c). We do not agree. The significant issue exception to our timeliness rules is exercised sparingly so that our timeliness standards will not become meaningless. Metal Art, Inc., B-193038, B-192992, February 8, 1979, 79-1 CPD 84.

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Furthermore, previously considered issues are not "significant" within the meaning of 4 C.F.R. § 21.2(c). John Mondrick Plumbing & Heating, Inc., B-201675.3, July 31, 1981, 81-2 CPD 73. We have frequently considered the correction of mistakes in bids based on bidders' worksheets in our previous decisions and the principles to be applied in those cases are well established. Domar Buckle Mfg. Corp. -- Reconsideration, B-202901.2, August 17, 1981, 81-2 CPD 148. Consequently, A.C.E.'s untimely protest does not present a significant issue for our consideration. John Mondrick Plumbing & Heating, Inc., supra.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel